

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL DWAIN FREEMAN,

Defendant.

CR 13-2-BU-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on August 20, 2013. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

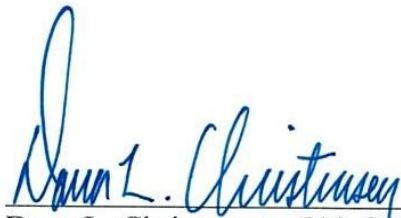
McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Michael Dwaine Freeman's guilty plea after Freeman appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to one count of sexual exploitation of children in violation of 18 U.S.C. § 2251(a) (Count IV), as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts I, II, III, and V of the Indictment. The Indictment also contains a forfeiture allegation, which the Defendant admits.

I find no clear error in Judge Lynch's Findings and Recommendation (doc. 46), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Michael Dwaine Freeman's motion to change plea (doc. 38) is GRANTED.

DATED this 9th day of September, 2013.



Dana L. Christensen, Chief District Judge
United States District Court